



Entered on Docket
November 03, 2011

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Fourth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Ocean Atlantic (Second) Loan**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Ocean Atlantic (Second) Loan ("Ocean Atlantic (Second) Loan") [DE 9106] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct

1 lenders' right to repayment by the borrower or from the collateral securing the Ocean
2 Atlantic (Second) Loan; and good cause appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 9106] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Ocean Atlantic (Second) Loan.

7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

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13 John Hinderaker (*pro hac vice*)

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1 **LOCAL RULE 9021 CERTIFICATION**2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):4 _____
5 This Court has waived the requirement set forth in LR 9021(b)(1).6 XXX No party appeared at the hearing or filed an objection to the motion.7 _____
8 I have delivered a copy of this proposed order to all counsel who
9 appeared at the hearing, and any unrepresented parties who appeared
at the hearing, and each has approved or disapproved the order, or
failed to respond, as indicated below [list each party and whether the
party has approved, disapproved, or failed to respond to the
document]:

10 Counsel appearing: _____

11 _____
12 I certify that this is a case under Chapter 7 or 13, that I have served a
13 copy of this order with the motion pursuant to LR 9014(g), and that
no party has objected to the form or content of the order

| | |
|--|---|
| 14 U.S. Trustee: _____ | 15 <input type="checkbox"/> approved the form of this order <input type="checkbox"/> disapproved the form of this order |
| 16 <input checked="" type="checkbox"/> waived the right to review the 17 order and/or | 18 <input type="checkbox"/> failed to respond to the document |
| 19 Other Party: _____ | 20 <input type="checkbox"/> approved the form of this order <input type="checkbox"/> disapproved the form of this order |
| 21 <input type="checkbox"/> waived the right to review the 22 order and/or | 23 <input type="checkbox"/> failed to respond to the document |

21 Submitted by:

22 LEWIS AND ROCA LLP

23 By: */s/ John Hinderaker. (AZ #018024)*

24 Attorneys for USACM Liquidating Trust

26 # # #

USA CM Trust

Ocean Atlantic

Multiple Loan Claims

| Claim | Date Claim was Filed | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Ocean Atlantic Loan |
|-------------|----------------------|--|--|--------------------|--|
| 10725-01506 | 11/29/2006 | Panagiotis Dovanidis & Dimitra Dovanidou Jt WROS | 14 Mikinon St Glyfada Athens 16675 Greece | 50,000.00 | Unknown |
| 10725-01507 | 11/29/2006 | Panagiotis Dovanidis & Dimitra Dovanidou Jt WROS | 14 Mikinon St Glyfada Athens 16675 Greece | 30,000.00 | Unknown |
| 10725-01508 | 11/29/2006 | Panagiotis Dovanidis & Dimitra Dovanidou Jt WROS | 14 Mikinon St Glyfada Athens 16675 Greece | 30,000.00 | Unknown |
| 10725-01509 | 11/29/2006 | Panagiotis Dovanidis & Dimitra Dovanidou Jt WROS | 14 Mikinon St Glyfada Athens 16675 Greece | 50,000.00 | Unknown |
| 10725-01510 | 11/29/2006 | Panagiotis Dovanidis & Dimitra Dovanidou Jt WROS | 14 Mikinon St Glyfada Athens 16675 Greece | 50,000.00 | Unknown |
| 10725-01214 | 11/10/2006 | Rulon, Phillip | 3310 W. Hidden Valley Drive Reno, NV 89502-9579 | 503,479.62 | 45,000.00 |
| 10725-01419 | 12/4/2006 | S&P Davis Limited Partnership | 737 Bannerman Lane Fort Mill, SC 29715 | 419,981.00 | 25,000.00 |
| 10725-02218 | 1/12/2007 | Sanchez Living Trust Dtd 10/13/03 | Randy M & Sharon Sanchez Tees 5713 N White Sands RD Reno, NV 89511 | 554,132.98 | 25,000.00 |
| 10725-02175 | 1/12/2007 | Simmons Hwtwros, Alan R & Judith B | Po Box 13296 South Lake Tahoe, CA 96151-3296 | 1,186,288.22 | 25,000.00 |
| 10725-00991 | 11/6/2006 | Tom, Sterling | 213 Royal Aberdeen Way Las Vegas, NV 89144 | 150,000.00 | 25,000.00 |

EXHIBIT A